

Todd A. Walburg (SBN 213063)
taw@mccunewright.com

Scott B. Baez (SBN 330485)
sbb@mccunewright.com

McCUNE LAW GROUP
3281 E. Guasti Road, Suite 100
Ontario, CA 91761
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Attorneys for Plaintiff DONNA LEACH,
individually and on behalf of the
Estate of Clyde Leach

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONNA LEACH, individually and on
behalf of the Estate of Clyde Leach,

Plaintiff,

v.

TESLA, INC. and DOES 1 through 100,
inclusive,

Defendants.

Case No. 23-cv-03378-SI

Honorable Susan Illston

Action Filed: April 11, 2023 (Santa Clara
Super. Ct.)

Transfer Date: July 6, 2023

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
SANCTIONS AGAINST TESLA, INC.
FOR MEDIATION MISCONDUCT**

Date: November 29, 2024

Time: 10:00 a.m.

Courtroom 1 (Via Zoom)

Action Filed: April 11, 2023

Trial Date: July 21, 2025

Having considered Plaintiff's Motion for Sanctions Against Tesla, Inc. for
Mediation Misconduct, and after reviewing all filings submitted in support of, and in
opposition to, the motion, the Court finds that:

1. Defendant Tesla, Inc. violated the pretrial scheduling orders in this matter

1 by failing to have a representative with full settlement authority attend
2 mediation; and

- 3 2. Tesla Deputy General Counsel Ryan McCarthy acted in bad faith, and
4 multiplied these proceedings within the meaning of 28 U.S.C. § 1927.

5 IT IS HEREBY ORDERED THAT Defendant Tesla, Inc., and Mr. McCarthy
6 shall jointly pay monetary sanctions in the amount of \$9,600 to Plaintiff's counsel
7 within two weeks of the date of the issuance of this order.

8
9 Dated:

10

HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2024, I filed the foregoing document entitled **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS AGAINST TESLA, INC. FOR MEDIATION MISCONDUCT**, with the clerk of this court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/Todd A. Walburg
Todd A. Walburg